

AN ORDINANCE approving the awarding of Reference #1WEN006 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ZOHRAB K. TAZIAN for the Water Engineering Department.

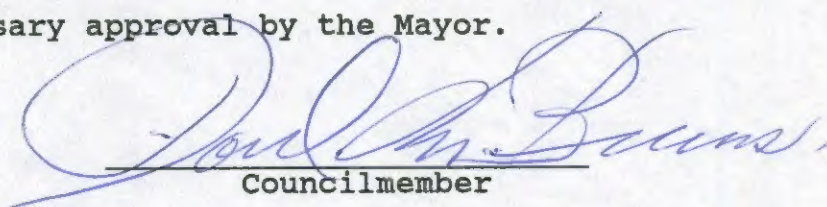
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1WEN006 between the City of Fort Wayne, by and through its Department of Purchasing and ZOHRAB K. TAZIAN for the Water Engineering Department, respectfully for:


the oversizing of a water main to serve Woodland Lake VI for the Water Engineering Department;

involving a total cost of Thirteen Thousand Eight Hundred One and 73/100 Dollars (\$13,801.73), all as more particularly set forth in said Reference #1WEN006 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCauley, City Attorney

WATER CONTRACT NO. 9102

BOARD ORDER NO. 37-91

WORK ORDER NO. 64251

THIS AGREEMENT, made and entered into this 17 day of April, 1991, by and between ZOHRAH K. TAZIAN hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the CITY OF FORT WAYNE, Indiana, by and through the MAYOR and the BOARD OF PUBLIC WORKS AND SAFETY, of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said UTILITY for the consideration hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water main systems, including all necessary fittings to serve WOODLAND LAKE, SECTION VI, as follows:

ON WOODLAND CROSSING FROM AN EXISTING 12" VALVE WESTERLY TO COLDWATER ROAD; ALSO ON CALVERTON PASS FROM WOODLAND CROSSING NORTHERLY 946+LF; ALSO ON CALVERTON COURT FROM CALVERTON PASS EASTERLY TO ITS TERMINUS; ALSO ON DARON COURT FROM CALVERTON PASS NORTHWESTERLY TO ITS TERMINUS.

Said water line to include: 2640+LF OF 12"; 850+LF OF 8" AND 565+LF OF 6" DUCTILE IRON WATER MAIN.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY or approved by the UTILITY, which are on file in the office of the Engineering Department of the UTILITY, and by reference made a part hereof; and the said UTILITY shall furnish water through said system, when complete, in accordance with rules and regulations of said UTILITY and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water through any part of parts of the water main covered hereunder, unless and until the entire system shall have been tested, disinfected, and placed in-service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract, that the CONTRIBUTOR shall furnish all materials, contractual labor and equipment for the construction of said water main system through GEIGER DEVELOPING, INC., at a cost of \$84,870.74 (EIGHTY FOUR THOUSAND EIGHT HUNDRED SEVENTY DOLLARS AND SEVENTY FOUR CENTS) and that said CONTRIBUTOR shall pay the UTILITY upon execution of this contract for the necessary labor for inspecting, pressure-testing, disinfection, engineering, tap and assessment at a cost of

\$3,392.00 (THREE THOUSAND THREE HUNDRED NINETY TWO DOLLARS AND NO CENTS). Therefore, the total cost of said water main system is **\$88,262.74 (EIGHTY EIGHT THOUSAND TWO HUNDRED SIXTY TWO DOLLARS AND SEVENTY FOUR CENTS),** and which amount is in the contract price of this AGREEMENT.

It is further understood and agreed by and between the parties of this contract that said CONTRIBUTOR shall bear the cost of the water main on the basis of a 6" AND 8" water main, the total cost of which is **\$74,461.01 (SEVENTY FOUR THOUSAND FOUR HUNDRED SIXTY ONE DOLLARS AND ONE CENT)** and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of material, contractual labor and equipment, as supplied by the Contractor, as referred to above and the contract price of this agreement, said difference being **\$13,801.73 (THIRTEEN THOUSAND EIGHT HUNDRED ONE DOLLARS AND SEVENTY THREE CENTS).**

4. The UTILITY may approve the extension of additional water mains from the water main(s) covered in this CONTRACT without incurring any financial obligations to the CONTRIBUTOR under this contract.
5. It is further understood and agreed that, upon completion of said water main system, the CONTRIBUTOR or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the BOARD OF PUBLIC WORKS AND SAFETY of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of acceptance of said system of the CITY and shall be in the minimum amount of **\$21,217.68 (TWENTY ONE THOUSAND TWO HUNDRED SEVENTEEN DOLLARS AND SIXTY EIGHT CENTS).**

After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the UTILITY will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the UTILITY, the Board of Public Works and Safety will issue a letter of acceptance of the project to the CONTRIBUTOR. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.

WITNESS THE HANDS AND SEALS OF SAID PARTIES, the day and year first above written.

CITY OF FORT WAYNE, INDIANA

BY:

Paul Helmke, Mayor

BOARD OF PUBLIC WORKS ~~AND SAFETY~~

Charles E. Layton, Director
Public Works

E Sharon Banks

E. Sharon Banks
Chief of Staff

**Douglas M. Lehman, Director
Administration and Finance**

ATTEST:

Patricia Crick
Patricia Crick, Clerk

APPROVED AS TO FORM AND LEGALITY:

**R. David Boyer, Associate
City Attorney**

CONTRIBUTOR: ZOHRAB K. TAZIAN

BY:

ZOHRAB K. TAZIAN, OWNER

THIS DOCUMENT PREPARED BY:
TERRY L. ATHERTON, P.E., L.S.
DIRECTOR OF WATER RESOURCES

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public in and for said County and State, this 21st day of March, 1991, personally appeared the within named ZOHRAH K. TAZIAN, being by me first duly sworn upon his oath, says that he is the OWNER AND CONTRIBUTOR herein, and as such, duly authorized to execute the foregoing instrument for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed by name, and affixed my official seal.



Notary Public

Deanna Faust

Printed name of Notary

A resident of Allen County.

My commission expires:

10-11-93

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, this 17th day of April, 1991, personally appeared the within named **PAUL HELMKE, CHARLES E. LAYTON, MICHAEL McALEXANDER, DOUGLAS M. LEHMAN, and PATRICIA CRICK**, to me personally known, who being by me duly sworn, said that they are respectively **MAYOR OF THE CITY OF FORT WAYNE; CHAIRPERSON, MEMBERS AND CLERK OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA** and that they signed said instrument on behalf of the **Fort Wayne Water Utility of the City of Fort Wayne, Indiana**, with full authority to do so and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, and affixed my official seal.

Notary Public

CAROLYN S. NEWPORT
NOTARY PUBLIC STATE OF INDIANA
ALLEN, IN
MY COMMISSION EXPIRES JUNE 21, 1991
ISSUED THRU INDIANA NOTARY ASSOC.

Printed name of Notary

A resident of _____ County.

My commission expires:

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public in and for said County and State, this 21st day of March, 1991, personally appeared the within named **ZOHRAB K. TAZIAN**, being by me first duly sworn upon his oath, says that he is the **OWNER AND CONTRIBUTOR** herein, and as such, duly authorized to execute the foregoing instrument for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed by name, and affixed my official seal.



Notary Public

Deanna Faust
Printed name of Notary

A resident of Allen County.

My commission expires:

10-11-93

Read the first time in full and on motion by Burns
seconded by Burns, and duly adopted, read the second time
title and referred to the Committee on City of Fort Wayne and the
City Plan Commission for recommendation) and Public Hearing to be held aft
due legal notice, at the Council Conference Room 128, City-County Building
Fort Wayne, Indiana, on _____, the _____
of _____, 19____, at _____ o'clock, _____ M., E.S.

DATED: 8-13-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns
seconded by Burns, and duly adopted, placed on its
passage. PASSED 1st by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-27-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 223-91
on the 27th day of August, 1991,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of August, 1991
at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of September
1991, at the hour of 9:00 o'clock A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 1WEN006 for oversizing of a water main to serve Woodland Lake VI for the Water Engineering Department. The cost reflects the most responsive vendor.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: This is a private developers job. We are paying for the oversizing of our main which serves the Woodland Lake area.

IF REPLACEMENT, WHAT NECESSITATES:

S-91-08-17

EFFECT OF NON-PASSAGE: Will not be able to serve Woodland Lake Section VI.

PRIOR APPROVAL REQUESTED:

DATE:

MONIES INVOLVED: Zohrab K Tazian \$13,801.73

PRICE AGREEMENT: Yes

PURCHASE ORDER:

ACCOUNT INFORMATION: Water Eng 513-520-W107-4454

BILL NO. S-91-08-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXX} approving the awarding
of Reference #1WEN006 by the City of Fort Wayne, Indiana, by
and through its Department of Purchasing and ZOHRAB K. TAZIAN
for the Water Engineering Department

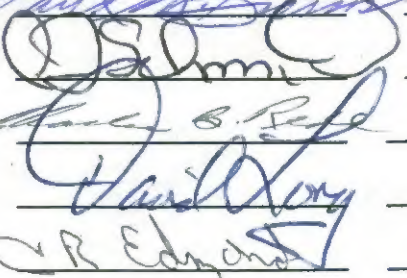
HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC


Paul M. Burns
Charles B. Redd
Harold Long
C.B. Edmonds

DATED: 8-27-91.

Sandra E. Kennedy
City Clerk